



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR OF
THE DEPARTMENT PLANNING AND DEVELOPMENT**

Application Number: 2303676
Applicant Name: Brittani Ard for JRJ Development
Address of Proposal: 6504 51st Ave NE

SUMMARY OF PROPOSED ACTION

Master Use Permit to subdivide two (2) parcels into three (3) parcels of land in an Environmentally Critical Area (ECA). Proposed parcel sizes are: A) 5,141.0 square feet; B) 5,358.0 square feet, and C) 5,358.8. The existing structure is to be demolished. At the time of this decision there were no related building permits to this subdivision. A limited steep slope exemption has been approved (Exemption # 2303821).

The following approvals are required:

- **Short Subdivision** - to subdivide two (2) existing parcel into three (3) parcels.
- (Chapter 23.24, Seattle Municipal Code).
- **SEPA Threshold Determination** (Chapter 25.05 SMC)

SEPA DETERMINATION: ☐ Exempt ☒ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

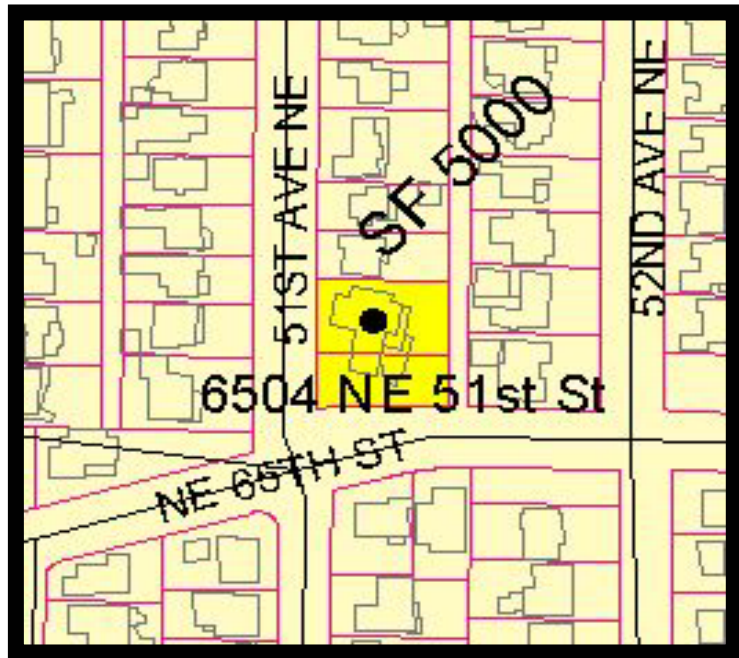
☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction

BACKGROUND DATA

Site & Area Description

The 16,065 square foot rectangular shaped site is located in a Single Family residential zone with a minimum lot size of 5,000 square feet (SF 5000), in the northeast, View Ridge area of Seattle. The parcel is located between 51st & 52nd Avenues NE and NE 65th & 68th Streets, with street frontage on 51st Ave NE. 51st Ave NE is paved with curbs, gutters, and sidewalks. There is an

existing house on the site, which is to be demolished. The subject lot is sloped; the slope is at the highest elevation near the northwest corner and slopes downward to the southeast corner of the lot. The steep slope is located on the southern portion of the lot, with the majority of the steep slope located in the right of way (NE 65th St). The sidewalk on the NE 65th St right-of-way angles away from the site's southern property line approximately fifteen (15') feet at the southwest corner, approximately ten (10') feet at the center point, and approximately two (2') feet at the southeast corner.



Vehicular access will be provided off of 51st Ave NE, which is not classified as an arterial street pursuant to SMC Chapter 23.53. The other abutting right of way, NE 65th St, is classified as an arterial street, pursuant to SMC Chapter 23.53. An alley abuts the eastern property line of the street.

Surrounding properties and blocks are zoned SF 5000. Development in the area consists of a variety of one, two and some three-story single-family houses of varying age and architectural style on a variety of lot sizes, ranging in size from approximately 6,200 – 9,400 sq ft.

Proposal

The proposal is to subdivide two (2) parcels of land into three (3) parcels. Proposed lot areas are indicated in the summary above. Proposed parcels A, B and C will have direct vehicle and pedestrian access to 51st Ave NE. The proposal includes two (2) curbcuts on 51st Ave NE in order to provide access to the three (3) proposed lots.

The subject of this analysis and decision is only the proposed division of land.

Public Comment

During the public comment period which ended January 29th, 2003. DPD received approximately fifty-five (55) written comment related to parking, privacy, critical area preservation, drainage, habitat destruction, and related impacts to the character of the neighborhood. Other comments received concerned traffic safety issues, tree protection, property values, views and lastly the interpretation of the criteria for approval of short plats (SMC-23.24.040).

DPD held a public meeting in response to neighbors' requests. The meeting on September 15th was attended by approximately 50 neighbors, as well as the applicant, developer, and architect.

ANALYSIS - SHORT SUBDIVISION

Pursuant to SMC 23.24.040, no short plat shall be approved unless all of the following facts and conditions are found to exist:

1. *Conformance to the applicable Land Use Code provisions;*
2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*
3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*
4. *Whether the public use and interests are served by permitting the proposed division of land;*
5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*
6. *Is designed to maximize the retention of existing trees;*
7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

Based on information provided by the applicant, referral comments from the Drainage Section, the Geotechnical Examiner, the Fire Department, Seattle Public Utilities (City Light and the Water Department), and review by the Land Use Planner, the following findings are made with respect to the above-cited criteria:

1. *Conformance to the applicable Land Use Code provisions;*

The subject property is zoned for single-family residential with a minimum lot size of 5,000 square feet (SF 5000). The allowed use in a single family zone is one dwelling unit per lot, with accessory dwellings permitted within the principal structure in accordance with (SMC 23.44.041). Maximum lot coverage is 35%. Front setbacks are an average of the neighboring adjacent lots, or twenty (20) feet, which ever is less. The minimum side yard setback is five (5) feet. Minimum rear yard setback is twenty-five (25) feet or 20% of lot depth, if the lot is less than one-hundred twenty five feet (125') deep. The lots created by this proposed division of land will conform to all development standards of the SF 5000 zoning designation. The proposed parcels meet the minimum lot size requirement of the zone and provide adequate buildable area to meet applicable yards, lot coverage requirements, and other Land Use Code development standards.

2. *Adequacy of access for vehicles, utilities, and fire protection, as provided in Section 23.53.005;*

The proximity of the proposed parcels and grade change from NE 65th St to 51st Ave NE creates a condition where possible vehicle safety issues may arise when turning onto 51st Ave NE from NE 65th St. As result of the above site condition, some analysis and conditioning is necessary and warranted to mitigate the possible impact. Proposed parcels A, B and C will have direct vehicle access to and from 51st Ave NE via a shared driveway and two curbcuts, with one curbcut to serve as the entrance and the other to serve as the exit for lots A, B and C. The shared driveway and curbcut "entrance" will be

located on parcel A approximately between 24' – 6" and 34' – 6" feet north from the south west corner of proposed parcel A and will serve as the one way entrance into the subdivision, giving access to lots A, B and C. The "exiting" location of the shared driveway and curbcut will be located on parcel C approximately between 6' and 16' feet south from the northwest corner of proposed parcel C. Each of the said curbcuts will be a width of ten (10)' feet. The shared driveway design will provide for greater visibility when exiting the site, as the exiting curbcut will be located to the northern most extent feasible, away from NE 65th St, a designated arterial street pursuant to SMC Chapter 23.53.

Vehicle access to the site via the adjacent twenty (20') foot alley was considered during the project review, but due to the existence of an engineered retaining wall which runs the entirety of the property lines along the alley, this option was not ideal. The grade change from the alley grade to the proposed lots grade is approximately ten (10') feet at the south east corner of the proposed lots and approximately six (6') feet at the northeast corner. The retaining wall was observed to be in good condition with no observable breaks or compromises in the integrity of the wall. Vehicle access through the alley would force the retaining wall to be reset and its integrity compromised, which may cause adverse effects such as drainage and stability issues. Due to the grade change and good condition of the retaining wall, alley access is not the ideal option for reasons of grade stability, drainage issues and minimal sloping minimal driveways.

The Seattle Fire Department has no objection to the proposed short plat. All private utilities are available in this area. Seattle City Light provides electrical service to the proposed short plat. City Light has reviewed the proposal and does not require an easement to provide for electrical facilities and service to the proposed lots. This short plat provides for adequate access for vehicles, utilities, and fire protection.

3. *Adequacy of drainage, water supply, and sanitary sewage disposal;*

This area is served with domestic water, sanitary sewer, and stormdrain facilities by the City of Seattle. Availability of service is assured subject to standard conditions of utility extension. The short plat application has been reviewed by Seattle Public Utilities and a Water Availability Certificate was issued on July 11th, 2003. Public sanitary sewers (PSS) in NE 65th St, 51st Ave NE, and the alley are available and accessible to all proposed parcels. A public storm drain (PSD) in NE 65th St is available to all proposed parcels but accessible to only proposed Parcel A unless a utility/storm drain easement is provided. As a result, proper conditioning is warranted.

New construction with discharge to the sanitary sewer will require a sidesewer permit. Stormwater detention, with controlled release to either of the PSs, is likely to be required for construction in excess of 2,000 square feet of developmental coverage. Plan review requirements regarding stormwater are made at time of building permit application. If the project includes greater than 5,000 square feet of new or replaced impervious surface, a comprehensive drainage control plan prepared in accordance with SMC 22.802.015D and 22.802.020 may be required.

4. *Whether the public use and interests are served by permitting the proposed division of land;*

One objective of the short subdivision process is to increase opportunities for new housing development in order to ensure that there will be adequate capacity for future housing need. The proposed short subdivision will meet all the applicable Land Use Code provisions. The proposed development has adequate access for vehicles, utilities and fire protection, and has adequate drainage, water supply and sanitary sewage disposal. The public use and interest will be served with this proposal because additional opportunities for housing would be provided within the City limits as a result of this subdivision. The proposal will meet all applicable criteria for approval of a short plat upon completion of the conditions in this analysis and decision.

5. *Conformance to the applicable provisions of SMC Section 25.09.240, short subdivision and subdivisions, in environmentally critical areas;*

A small portion of the proposed subdivision is located in an environmentally critical area (Steep Slope Area), thus the subdivision is subject to the provisions of the Critical Areas Ordinance. Approximately 246 square feet of proposed parcel A is designated as a Steep Slope area. A steep slope exemption was granted pursuant to (SMC 25.09.040) for the subject property and related steep slope area. The exemption (#2303821:June 30th, 2003) states the existing “steep slopes” appear to be less than twenty (20’) feet in height, are not part of a larger steep slope system, and which have been created through previous grading activities. Further, the submitted geotechnical report inferred that no adverse impact will result from this exemption. As a result of these findings and information, the ECA Steep Slope Development Standards were waived (i.e., the threshold disturbance level of thirty (30%) percent of the Steep Slope Critical Areas no longer applies) for “steep slopes” on the site. The ECA submittal, general, and Landslide-Hazard, and other applicable development standards still apply for the project. The said 246 square feet of steep slope on parcel A can be used to meet the minimum lot size requirements for SF 5000 zoning designation.

New construction on the parcel containing the steep slope areas will also be subject to the provisions SMC Chapter 25.09, Regulations for Environmentally Critical Areas. Grading and construction of any future structures will be reviewed during the building permitting stage and will be examined for conformance with all applicable requirements of the Land Use Code and the Environmentally Critical Areas Ordinance, as stated in the ECA exemption detailed above. Therefore, this proposed short subdivision is in conformance with applicable City of Seattle Regulations for development in Environmentally Critical Areas.

6. *Is designed to maximize the retention of existing trees;*

There are twenty-three (23) coniferous trees located on or around the perimeter of the site. Most or all of these trees can be preserved, depending upon the location any future construction, and the extent of the root systems and the overall health of the trees. One tree (10” Big Leaf Maple), not of exceptional standards, will likely be removed from proposed parcel C, as it is located on or near the proposed exiting curb cut. Thus the proposal has been designed to maximize the retention of existing trees on the property.

Future construction will be subject to the provisions of SMC 23.44.008 which sets forth tree planting requirements on single family lots.

The existing trees located between proposed parcel A and NE 65th St are of importance to the neighborhood. Approximately eleven (11) trees, which provide a noise and visual buffer from traffic off NE 65th St, are located in the right of way just south of proposed parcel A. As a result, proper conditioning is warranted. The Seattle Department of Transportation's Landscape Architect has visited the site and made recommendations for protecting these trees. The recommendations are as follows: A chain link fence be erected along the entire southern property line to protect the trees and the slope. The fence should be up before work proceeds on this site and the contractor needs to give notification once the fence is up so that inspection can be made and placards can be placed on the trees.

7. *Conformance to the provisions of Section 23.24.045, Unit lot subdivisions, when the short subdivision is for the purpose of creating separate lots of record for the construction and/or transfer of title of townhouses, cottage housing, clustered housing, or single-family housing.*

This Short subdivision is not a unit subdivision. Thus, this section is not applicable to this short plat proposal.

DECISION - SHORT SUBDIVISION

The proposed short plat is **CONDITIONALLY GRANTED**.

ANAYLSIS - SEPA

Environmental review resulting in a Threshold Determination is required pursuant to the Seattle State Environmental Policy Act (SEPA), WAC 197-11, and the Seattle SEPA Ordinance (Seattle Municipal Code Chapter 25.05).

The initial disclosure of the potential impacts from this project was made in the environmental checklist submitted by the applicant dated July 29th, 2003. The information in the checklist, a Geotechnical Report prepared by Geotech Consultants, Inc., dated June 24th, 2003, public comment, and the experience of the lead agency with review of similar projects form the basis for this analysis and decision. Note that pursuant to SMC 25.05.908.B, the scope of the environmental review of the subject short subdivision is limited to:

1. Documenting whether the proposal is consistent with The City of Seattle Regulations for Environmentally Critical Areas, SMC Chapter 25.09; and
2. Evaluating potentially significant impacts on the environmentally critical area resources not adequately addressed in The City of Seattle Environmentally Critical Areas Policies or the requirements of SMC Chapter 25.09, Regulations for Environmentally Critical Areas, including additional mitigation measures needed to protect the environmentally

critical areas in order to achieve consistency with SEPA and other applicable environmental review laws.

The undersigned planner has analyzed the environmental checklist submitted by the project applicant; reviewed the project plans and the additional information in the file; and any comments which may have been received regarding this proposed action have been considered. As indicated in the checklist, this action may result in impacts to the environment. However, due to their temporary nature and limited effects, the impacts are not expected to be significant.

Codes and development regulations applicable to this proposed project will provide sufficient mitigation and no further conditioning or mitigation is warranted pursuant to the SEPA Overview Policy (SMC 25.05.665).

DECISION

This decision was made after review by the responsible official on behalf of the lead agency of a completed environmental checklist and other information on file with the responsible department. This constitutes the Threshold Determination and form. The intent of this declaration is to satisfy the requirement of the State Environmental Policy Act (RCW 43.21.C), including the requirement to inform the public of agency decisions pursuant to SEPA.

[X] Determination of Non-Significance. This proposal has been determined to not have a significant adverse impact upon the environment. An EIS is not required under RCW 43.21.030(2) (c).

CONDITIONS - SEPA

None.

CONDITIONS - SHORT SUBDIVISION

Prior to Recording

1. Have final recording documents prepared by or under the supervision of a Washington state licensed land surveyor. Each lot, parcel, or tract created by the short subdivision shall be surveyed in accordance with appropriate State statutes. The property corners set shall be identified on the plat and encroachments such as side yard easements, fences or structures shall be shown. Lot areas shall be shown on the plat. All existing structures, principal and accessory, shall be shown on the face of the plat, and their distances to the proposed property lines dimensioned.
2. Submit the final recording forms for approval and any necessary fees.
3. Have the final plat show a six (6') foot wide easement along the east property lines and across proposed Parcels A and B for a shared storm service drain from all proposed parcels. This will provide access to the PSD from all proposed parcels.

4. The following shall be shown on the final recording documents: Access to lots A, B, and C lots shall be via a shared driveway, consisting of two curbcuts, one being a point of “ingress” and one being a point of “egress.” The shared driveway and curbcut “entrance” shall be located on parcel A approximately between 24’ – 6” and 34’ – 6” feet north from the south west corner of proposed parcel A and will serve as the one way entrance into the subdivision, giving access to lots A, B and C. The “exiting” location of the shared driveway and curbcut will be located on parcel C approximately between 6’ and 16’ feet south from the northwest corner of proposed parcel C. Each of the said curbcuts will be a width of ten (10)’ feet. Signage shall be required at said “ingress” and “egress” points making clear the location of the entrance and exit to lots A, B and C as stated above. The necessary ingress and egress easement language shall be executed and reflected on the final plat and recording documents.

Prior to Issuance of Building Permit

5. A copy of this short subdivision shall be attached to all related building permit applications.
6. The access and curbcuts detailed in condition (4) above need to be reflected on all related building permit applications in addition to being shown on the final recording documents for this short subdivision.
7. A chain link fence shall be shown along the entire southern property line (Parcel A) to protect the trees and the slope. The fence shall be in place before work proceeds on the site and the contractor needs to give notification to Seattle Department of Transportation’s Landscape Architect (Bill Ames: 206.684.5693) once the fence is up so that inspection can be made and placards can be placed on the trees.

Prior to Final Inspection

8. Signage shall be placed at said “ingress” and “egress” points making clear the location of the entrance and exit to lots A, B and C.

Signature: (signature on file) Date: November 13, 2003
Lucas DeHerrera, Land Use Planner
Department of Planning and Development
Land Use Services